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May 5, 2023

Hon. Lewis J. Liman, U.S.D.J.
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Via ECF

**Re: 689 Eatery Corp., etc. et ano. v. City of New York, et al.,
Docket No. 02 CV 4431 (LJL) (“Action No. 1”)**

**59 Murray Enterprises, Inc. etc., et ano. v. City of New York, et al.,
Docket No. 02 CV 4432 (LJL) (“Action No. 2”)**

**Club at 60th Street, et al. v. City of New York
Docket No. 02 CV 8333 (LJL) (“Action No. 3”)**

**336 LLC, etc, et al. v. City of New York
Docket No. 18 CV 3732 (LJL) (“Action No. 4”)**

Dear Judge Liman:

We represent plaintiffs in Action No. 2 and write on behalf of all counsel, jointly, to request Your Honor’s guidance as to how to manage the filing of declarations due May 19, 2023, pursuant to the Court’s Order entered May 2, 2023. All counsel understand the need to expeditiously resolve these long-running cases.

As of this date, the parties have already submitted various declarations in support and opposition to their respective motions and cross-motions for partial and/or full summary judgment, and counsel anticipate that the City will be filing an additional declaration on which its additional facts to be included in the Consolidated Statement of Stipulated Facts, due May 19th, will be based.

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Counsel first wish to confirm that no declarations previously referenced in their various memoranda need to be re-filed, but may nevertheless be used as direct testimony at the October 16th trial (as consolidating and re-filing such declarations would entail *very considerable* additional work).

Also, subject to the Court's ruling on the pending motions, counsel do not anticipate calling any other witnesses at trial. However, in the event the Court were to deny summary judgment based on controverted material facts, it is also unclear to counsel whether the parties will have the opportunity to submit additional testimony following the Court's ruling, either in declaration or live witness form.

As always, we thank the Court in advance for its assistance, and are, of course, available to participate in a conference if the Court determines that it would be a productive step towards the resolution of these issues.

Respectfully,

Edward S. Rudofsky

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Cc: All Counsel via ECF